

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1860 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

YUSUF ABDULLA HUSAIN

Versus

IBRAHIM MAHMAD BHATUK

Appearance:

MR DF AMIN for Petitioners
MR RR MARSHALL for Respondent No. 1 and 3
MR SANJAY M.DOSHI for respondent No.2

CORAM : MR.JUSTICE J.N.BHATT and
MR.JUSTICE A.M.KAPADIA

Date of decision: 02/02/98

ORAL JUDGEMENT

The appellants are the unfortunate parents-claimants who claimed the amount of compensation for premature and untimely demise of their son in the vehicular accident , by filing MACP No. 189 of 1982 which came to be decided

by the MACT (main) Nadiad on 28.2.1985. The appellants are hereinafter referred to as claimants and the respondents are referred to as opponents. As per the award, the claimants got Rs. 23,000/- by way of compensation with interest for the unfortunate demise of their son.

After having examined the facts and circumstances and having heard the learned advocates appearing for the parties, we are of the clear opinion that the amount awarded by the Tribunal is inadequate and on the very lower side. It is not in dispute, which is also manifest from the award, that the Tribunal has failed to consider an important aspect like prospective earning of the deceased. The tribunal proceeded on the premise of the income at Rs. 300/- per month at the relevant time against the claim of Rs. 600/- made by the parents. Nonetheless, since the prospective income ought to be considered so as to arrive at just and reasonable amount of compensation in light of the celebrated principles governing the amount of compensation and the recent case law and the facts and circumstances of the present case, it would be just and reasonable to award global or consolidated amount of Rs. 46,000/- by way of compensation under both the heads, like that- loss to the dependents who are the parents in the present case and loss to the estate. We are, therefore, satisfied that the amount of compensation is required to be doubled. Rest of the directions in the award do not require any interference. The award is modified to the aforesaid extent leaving parties to bear their own costs. Respondents are directed to deposit in the Tribunal, the difference of amount along with interest within a period of four weeks from today. The appeal is accordingly partly allowed.

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